

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION
OF KAVANAUGH FISHERIES, INC.,
OWNER OF THE F/V ATLANTIC, FOR
EXONERATION FROM OR LIMITATION
OF LIABILITY.

CIVIL ACTION
NO: 05-10637-GAO

JOINT SCHEDULING STATEMENT

Now come the Petitioner and Claimants, in the
above-entitled action, by and through their undersigned
attorneys, and respectfully submit their proposed
Scheduling Statement.

I. ISSUES TO BE DISCUSSED AT INITIAL SCHEDULING
CONFERENCE

The parties intend to raise several procedural
issues at the Initial Scheduling Conference. First,
the amount of the claims asserted by the Claimants may
not exceed the Limitation Fund (\$2,200,000.00).
Whether any additional claims will be filed in the
future remains to be seen, as the one-year statute of
limitations under the Carriage of Goods by Sea Act
(COGSA) does not start to accrue until notice of a
claim is received. Because some of the shipments may
have been transshipped to destinations throughout Asia,
it is uncertain as to whether all potential Claimants
have received notice.

The parties will request that this Honorable Court schedule a Status Conference in late June of 2006. If no additional claims are received by that time, then the Claimants (Lombard Corporate Finance & Berryford Shipping) will request that the stay in the related action (Civil Action No: 05-10989-GAO) be lifted and will seek permission to intervene in that case for the purpose of filing a Complaint against the F/V ATLANTIC. The aforementioned Claimants will also request that the discovery plan in this case be adopted in the related action without an additional Initial Scheduling Conference.

The reason for lifting the stay in the related action and adopting the discovery plan proposed herein is straightforward. If the claims filed in this limitation action do not exceed the Limitation Fund, then limitation of liability is not an issue. To the extent that limitation of liability remains an issue, several of the issues in this action are identical to those in the related action, such as the unseaworthiness of the F/V ATLANTIC and the negligence of its owner and operator. To preserve judicial resources and avoid duplicative litigation expenses,

the discovery conducted in this case should be consistent and binding in the related action.

Accordingly, the parties have submitted the following discovery plan.

II. DISCOVERY PLAN

- A. All factual discovery, including responses to Interrogatories, Requests for Production of Documents, Requests for Admissions, and depositions, to be completed by December 29, 2006.
- B. Claimants' designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before January 26, 2007.
- C. Petitioner's designation of experts and disclosure of expert information and reports pursuant to the Federal Rules of Civil Procedure served on or before February 23, 2007.
- D. All expert depositions to be completed by March 30, 2007.
- E. Final Pretrial Conference to be scheduled after May 25, 2007.

III. MOTION SCHEDULE

In addition to the above, the parties propose the following motion schedule.

- A. Motions to amend the pleadings or to implead third-parties to be filed on or before July 27, 2006.
- B. Dispositive Motions to be filed by April 27, 2007 with Oppositions filed within twenty-one (21) days as set forth in the Local Rules of this Court.

IV. CERTIFICATION

The Petitioner and Claimants will independently file their Rule 16.1 certifications.

V. TRIAL BY MAGISTRATE JUDGE

The Petitioner and Claimants do not consent to trial by a Magistrate Judge at this time.

VI. SETTLEMENT

The Claimants are still in the process of determining the amount of their claims.

WHEREFORE, the Petitioner and Claimants pray that this Honorable Court schedule a Status Conference for late June of 2006.

Respectfully submitted,

FOR THE PETITIONER

**FOR LOMBARD CORPORATE
FINANCE (DECEMBER 3) LIMITED
& BERRYFORD SHIPPING (UK)
LIMITED**

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May 16, 2006